

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:)	
)	
Wireless Telecommunications Bureau Seeks)	WT Docket No. 17-168
Comment on Arizona Public Service Company)	
Request for Waiver of 800 MHz Licensing Freeze)	
for Proposed Statewide Trunked Radio System)	

**REPLY COMMENTS OF
ARIZONA PUBLIC SERVICE COMPANY**

The Arizona Public Service Company (APSC), pursuant to §1.45 of the Federal Communications Commission (FCC) rules, submits its Reply Comments in response to the original Comments received from the Enterprise Wireless Alliance (EWA), the Telecommunications Industry Association (TIA), the Association of Public Safety Communications Officials – International (APCO) and the National Public Safety Telecommunications Council (NPSTC) relative to above captioned matter¹.

Background

APSC has asked the Commission to waive the 800 MHz Application Freeze for its fifty-four (54) pending 800 MHz applications. In response, the Commission opened APSC’s request to Public Comment (per the above referenced WT Docket) and simultaneously points out that APSC is seeking early access to channels in the Expansion Band, a subject of a pending Rulemaking Proceeding.

¹ Wireless Telecommunications Bureau Seeks Comment on Arizona Public Service Company Request for Waiver of 800 MHz Licensing Freeze for Proposed Statewide Trunked Radio System, *Public Notice*, WT Docket No. 17-168, DA 17-590 (rel. June 16, 2017) (“Public Notice”).

No Opposition – Rebanding Freeze

EWA supports APSC's request stating that, "**Application of the licensing freeze would be unduly burdensome and contrary to the public interest under these unique circumstances.**"² The unique circumstances facing APSC in this instance include the protracted 800 MHz Rebanding effort, the Mexican Border Region and subsequent treaty, and the obsolescence of APSC's existing radio system, all of which are beyond the control of APSC.

APCO restates APSC's position that APSC will work with the FCC, the 800 MHz Transition Administrator and other impacted parties and ". . . **recommends that APSC be held accountable and ensure that it will immediately act, at its own cost, to resolve any issues it causes that impact the needs of public safety licensees to access channels during the [R]ebanding process.**"³

Neither the TIA nor NPTSC discuss APSC's waiver request of the Rebanding Freeze.

APSC appreciates the support by EWA and acknowledges APCO's concern and reiterates that it will indeed work diligently and swiftly with the parties that may still be working out the details of the Rebanding process.

No Opposition – Expansion Band Access

Finally, and most noteworthy are the comments regarding and the overarching support, albeit in some cases indirect, of APSC's immediate access to the Expansion Band Channels.

EWA wholly supports APSC's early access to Expansion Band Channels in their statements, "**In the Alliance's opinion, the Company's situation is unique, and there is no realistic alternative to its**

² FCC WT Docket 17-168, Comments of the Enterprise Wireless Alliance, Page 3, ¶1.

³ FCC WT Docket 17-168, Comments of APCO International, Page 3, ¶12.

spectrum requirements.”⁴, and “. . . it is precisely because of entities like APSC that EWA has strongly supported time-limited incumbent priority access to EB channels.”⁵

The TIA elected to support APSC’s Expansion Band request in the broader sense urging “. . . **the Commission to act quickly to lift the licensing freeze on the 800 MHz Expansion Band.**”⁶

APCO stated they were concerned about providing Expansion Band access while a rulemaking remains pending because “**Certain public safety licensees are eligible for EB channels, and thus would rightfully benefit from the priority under consideration.**”⁷, and recommends “. . . **the Bureau should proceed with particular care when considering a waiver request specific to one entity that may disrupt a rulemaking with much greater applicability.**”⁸

NPTSC supports the APSC request for use of Expansion Band channels but links their support to the WP Docket 16-261⁹, seeking to first open the Expansion Band to incumbents ahead of new applicants, stating “. . . **NPSTC believes that APSC serves as an example of the very type of applicant that NPSTC had in mind in supporting an advance filing window for incumbent licensees.**”¹⁰

APSC appreciates the time and comments from all commenters and while the rulemaking proposing early access to Expansion Band spectrum remains pending, the best approach for deployment

⁴ FCC WT Docket 17-168, Comments of the Enterprise Wireless Alliance, Page 4, ¶2.

⁵ Ibid.

⁶ FCC WT Docket 17-168, Comments of the Telecommunications Industry Association, Page 1, ¶2.

⁷ FCC WT Docket 17-168, Comments of APCO International, Page 3, ¶3.

⁸ Ibid.

⁹ Notice of Proposed Rulemaking, Amendment of Part 90 of the Commission’s Rules to Improve Access to Private Land Mobile Radio Spectrum, WP Docket No. 16-261, released August 18, 2016

¹⁰ FCC WT Docket 17-168 & WP Docket 16-261, Comments and Ex Parte Filing of the National Public Safety Telecommunications Council, Page 6, ¶2.

of APSC's new P25 system is to seek immediate relief through the Waiver process. APSC opines that its request is a relatively small part of the much larger (Nationwide) scope that the Rulemaking proceeding encompasses.

APCO stated its concern that a Grant of this Request for Waiver may disrupt a rulemaking with much greater applicability stating that "***Certain Public Safety licensees are eligible for [Expansion Band] channels***"¹¹. Public Safety eligibles at the onset of Rebanding had the option to maintain their existing frequencies in the Expansion Band. At this time, per the FCC's Universal Licensing System (ULS) database, there are only two frequencies currently licensed to two Public Safety entities that coincide with APSC applications. There is no predicted interference between the proposed APSC implementation and these Public Safety incumbents – even if these entities were to expand their service areas as envisioned by the proposed rulemaking.¹²

Regardless of the spectrum landscape, APSC has abided by the rules for co-channel separation and obtained the requisite FAC Certified Coordination as well as a Letter of Concurrence from the 800 MHz Transition Administrator for every pending application.

Conclusion

APSC restates that it will at the conclusion of its transition to the new statewide radio system return unused spectrum for reassignment and reuse.

¹¹ FCC WT Docket 17-168, Comments of APCO International, Page 3, ¶13.

¹² FCC WP Docket No. 16-261, RM-11719, RM-11722, Notice of Proposed Rulemaking (FCC Public Notice FCC 16-110), Dated August 17, 2016, Released August 18, 2016, ¶31 (12).

APSC is the State's largest and oldest electric service company, safely generating and distributing electricity to more than 1.2 million customers¹³ of the 1.85 million Statewide¹⁴ population.

APSC is responsible for more than 20 renewable energy stations ranging in technology and size. APSC, as a Critical Infrastructure Industry, uses two-way radio for effective, reliable, and efficient communications between service personnel and dispatchers working on substations, distribution lines, and transmission lines throughout the state, and at the various generation facilities and is of paramount importance to safeguard the security of the APSC infrastructure and its 6,400 employees¹⁵

APSC thanks the Commission for the opportunity to respond in Reply. Since there is no opposition on the record, APSC respectfully requests an expedited grant, upon which construction will immediately begin.

Respectfully Submitted,
ARIZONA PUBLIC SERVICE COMPANY

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¹³ Arizona Public Service Company Website – Company Profile
<https://www.aps.com/en/ourcompany/aboutus/companyprofile/Pages/home.aspx>

¹⁴ Arizona Corporate Commission's Website, 2014 Electric Company Annual Reports
<http://www.azcc.gov/Divisions/Utilities/Annual%20Reports/Electric.asp>

¹⁵ Arizona Public Service Company Website – Careers / Employee Values Proposition
<https://www.aps.com/library/careers/apsCollege.pdf>